

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,

Plaintiff,

v.

DANNETTE NOVA, et al.,

Defendants.

Case No. 1:24-cv-00251-EPG

ORDER TO ASSIGN A DISTRICT JUDGE

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION BE
DISMISSED, WITHOUT PREJUDICE

OBJECTIONS, IF ANY, DUE WITHIN THIRTY
(30) DAYS

On February 29, 2024, Plaintiff Candace Smith, proceeding *pro se*, filed this civil action. (ECF No. 1). Although Plaintiff filed an application to proceed *in forma pauperis* (IFP), the Court denied it without prejudice on March 4, 2024, because of conflicting and missing information in the application. (ECF No. 3). The Court directed the Clerk of Court to send Plaintiff the long-form IFP application and gave Plaintiff 45 days to submit the IFP application or to pay the filing fee. And the Court warned Plaintiff that, “[f]ailure to comply with this order may result in dismissal of this action.” (*Id.* at 4).

The forty-five-day period has expired, and Plaintiff has failed to submit an IFP application, pay the filing fee, or otherwise respond to the Court’s order.

1 Accordingly, IT IS ORDERED that the Clerk of Court is respectfully directed to assign a
2 District Judge to this case.

3 Further, IT IS RECOMMENDED that:

4 1. This action be dismissed, without prejudice, for Plaintiff's failure to pay the filing
5 fee pursuant to 28 U.S.C. § 1914 or to file an IFP application pursuant to 28 U.S.C. § 1915; and

6 2. The Clerk of Court be directed to close this case.¹

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty (30) days
9 after being served with these findings and recommendations, Plaintiff may file written objections
10 with the Court. Such a document should be captioned "Objections to Magistrate Judge's Findings
11 and Recommendations."

12 Plaintiff is advised that failure to file objections within the specified time may result in the
13 waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing
14 *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

15 IT IS SO ORDERED.

16 Dated: May 1, 2024

17 /s/ Eric P. Gray
18 UNITED STATES MAGISTRATE JUDGE

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¹ Alternatively, if Plaintiff properly files an IFP application or pays the filing fee within thirty (30) days,
this Court will vacate these findings and recommendations.